Clerk of Court

# UNITED STATES DISTRICT COURT

Ι	for the District of MONTANA
GOTHAM INSURANCE COMPANY, v.	) ) Case No.: 9:11-CV-00039 DWM
ALLEGIANCE BENEFIT PLAN MANAGEMENT, INC.	) ) )
BILL	OF COSTS
Judgment having been entered in the above entitled action on	<u>August 24, 2012</u> against <u>Allegiance Benefit Plan Management, Inc.</u> , <u>Date</u>
the Clerk is requested to tax the following as costs:	Date
Fees of the Clerk	\$ <u>350.00</u>
Fees for service of summons and subpoena	
Fees for printed or electronically recorded transcripts necessarily	obtained for use in the case 20,700.45
Fees and disbursements for printing	
Fees for witnesses (itemize on page two)	
Fees for exemplification and the costs of making copies of any mecessarily obtained for use in the case	naterials where the copies are
Docket fees under 28 U.S.C. 1923	· · · · · · · · · · · · · · · · · · ·
Costs as shown on Mandate of Court of Appeals	· · · · · · · · · · · · · · · · · · ·
Compensation of court-appointed experts	
Compensation of interpreters and costs of special interpretation s	services under 28 U.S.C. 1828
Other costs (please itemize)	
	TOTAL \$ 21,354.45
SPECIAL NOTE: Attach to your bill an itemization and docume	entation for requested costs in all asteronies
·	claration
I declare under penalty of perjury that the foregoing conservices for which fees have been charged were actually and near the following manner:	osts are correct and were necessarily incurred in this action and that the ecessarily performed. A copy of this bill has been served on all parties class mail, postage prepaid
	,1
s/ Attorney: /s/ Robert J. Guite	
Name of Attorney: Robert J. Guite	
For: Gotham Insurance Company  Name of Claiming Party	Date: September 7, 2012
	tion of Costs
	and included in the judgment.
By.	and meraded in the judgment.

Deputy Clerk

Date

### UNITED STATES DISTRICT COURT

Witness Fees (computation, cf. 28 U.S.C. 1821 for statutory fees)							
	ATTENDANO		SUBSISTENCE		MILEAGE		Total Cost
NAME , CITY AND STATE OF RESIDENCE	Days	Total Cost	Days	Total Cost	Miles	Total Cost	Each Witness
TOTAL							

#### NOTICE

#### Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

#### See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

# The Federal Rules of Civil Procedure contain the following provisions: RULE 54(d)(1)

Costs Other than Attorneys' Fees.

Unless a federal statute, these rules, or a court order provides otherwise, costs — other than attorney's fees — should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 day's notice. On motion served within the next 7 days, the court may review the clerk's action.

#### **RULE 6**

(d) Additional Time After Certain Kinds of Service.

When a party may or must act within a specified time after service and service is made under Rule5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

#### **RULE 58(e)**

Cost or Fee Awards:

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

#### **ATTACHMENT - ITEMIZATION OF COSTS**

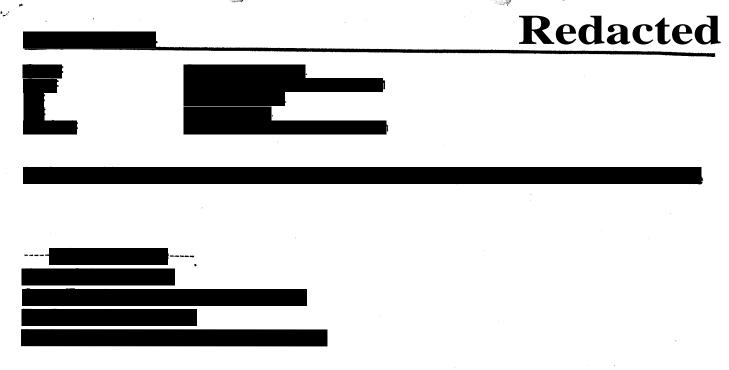
Gotham Insurance Company v. Allegiance Benefit Plan Management, Inc. United States District Court, District of Montana Case No. 9:11-CV-00039 DWM

#### **TAXABLE COSTS**

CAT	EGORY: FEES OF THE CLERK	Amount
1.	Complaint Filing Fee	\$350.00
CAT	EGORY: FEES FOR SERVICE OF PROCESS	
1.	Service of Complaint & Summons (Personal Service)	\$304.00
CAT	EGORY: FEES FOR DEPOSITIONS*	
1.	Nicholas Chen	\$1,964.20
2.	Roger Cowan & Dirk Visser (\$3,408.20 + \$715.75)	\$4,123.95
3.	Dennis Gambill	\$479.70
4.	Paul Kush	\$1,287.25
5.	James Martocci	\$2,766.55
6.	Jeffrey McKinley	\$972.45
7.	Lisa Porcaro & David Wash	\$2,748.30
8.	Adam Russo	\$882.30
9.	James Smith	\$2,148.50
10.	Susan Witte	\$2,010.00
11.	Gary Zadick	\$1,317.25
	TOTAL:	\$21,354.45

4

<sup>\*</sup> All deposition transcripts were used in support of the motions for summary judgment filed in this case.



----Original Message-----

From: paygovadmin@mail.doc.twai.gov [mailto:paygovadmin@mail.doc.twai.gov]

Sent: Tuesday, March 01, 2011 10:11 AM

To: Guite, Robert J.

Subject: Pay.Gov Payment Confirmation

THIS IS AN AUTOMATED MESSAGE. PLEASE DO NOT REPLY.

Your transaction has been successfully completed.

Transaction Summary

Application Name: MTD CM ECF

Pay.gov Tracking ID: 2

Agency Tracking ID:

Transaction Type: Sale

Transaction Date: Mar 1, 2011 1:10:48 PM

Transaction Amount: \$350.00

Case 9:11-cv-00039-DWM Document 142 Filed 09/07/12 Page 5 of 18

# Redacted

# First Legal SANSAINS Francisco Legal Support TAX ID 20-2513585

Mail Payments to:
San Francisco Legal Support
P. O. Box 34268
Los Angeles, CA 90034

invoice 47500 20345 10701 3715/11 304.00

SQUIRE SANDERS LEGAL COUNSEL WORLDW ATTN: ACCOUNTS PAYABLE 275 BATTERY STREET, SUITE 2600 SAN FRANCISCO, CA 94111

BILLING QUESTIONS CALL: BILLING DEPT(213)402-9013 PAYMENT QUESTIONS CALL: PAYMENT DEPT(213)402-9007

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Esquire Solutions - San Francisco 2700 Centennial Tower 101 Marietta Street Atlanta, GA 30303



Filed 09/07/12 Page 70 of 18

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**SUITE 2600** 

MARK GOODMAN, ESQ.

275 BATTERY STREET

SAN FRANCISCO, CA 94111

SQUIRE, SANDERS & DEMPSEY - SAN

45-3463120

MARK GOODMAN ,ESQ. SQUIRE, SANDERS & DEMPSEY - SAN FRANCISC SUITE 2600 275 BATTERY STREET SAN FRANCISCO, CA 94111

Invoice Date	06/26/2012	
Terms	NET 30	
Payment Due	07/26/2012	
Date of Loss		
Name of Insured		
Adjustor		
Claim Number		

Assignment	Case	Assignment #	Shipped	Shipped Via
06/20/2012	GOTHAM INSURANCE COMPANY vs. ALLEGIANC	461661	06/26/2012	F-S-O
Description			Price	Amount
Services Provided or	06/20/2012, NICHOLAS CHEN (NEW YORK, NY)			
ONE COPY OF	TRANSCRIPT/WORD INDEX (269 Pages)		\$ 5.40	\$ 1,452.60
EXHIBITS			\$ 78.10	\$ 78.10
DIGITAL TRANS	SCRIPT/EXHIBITS		\$ 50.00	\$ 50.00
CONDENSED T	RANSCRIPT		\$ 15.00	\$ 15.00
ROUGH ASCII			\$ 343.50	\$ 343.50
				\$ 1,939.20
DEL-STANDARD				\$ 25.00
				\$ 25.00
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Invoice #:

PL348375

\$ 2,160.62

Payment Due:

07/26/2012

Amount Due On/Before 08/10/2012

\$ 1,964.20

Amount Due After 08/10/2012

Amount Due After 08/10/2012

\$ 2,160.62

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013 0000348375 06262012 7 000196420 9 07262012 08102012 2 000216062 87

Case 9:11-cv-00039-DWM Document 142 Filed 09/07/12 Page 8 of 18

Jeffries Court Reporting, Inc. 1015 Mount Avenue, Suite C Missoula, MT 59801

,	Phone #	406 721-1143
	Fax #	406 728-0888
E-mail	jercourt@i	montana.com
Web Site	www.jeffriesco	ourtreporting.com

Bill To

Mark Goodman, Esq.
Squire Sanders
275 Battery Street, Ste. #2600
San Francisco, CA 94111

Date	Invoice #
1/25/2012	20978
Terms	Due Date
Net 30	2/24/2012

		Rep
		TR
Description		Amount
12-26 & 28 - GOTHAM INSURANCE vs ALLEGIANCE BEN 9:11-CV-00039-DWM Depositions taken on Thursday, January 12 and Friday, January MT		<i>(</i>
Deposition of ROGER COWAN - Rush Rough Draft (Original and Three Electronic (Paperless) Copies - Electronic Full-Size and Condensed with Keywords)	c Portfolios Include	1,907.90
Deposition of DIRK VISSER - Rush Rough Draft (Original and Three Electronic (Paperless) Copies - Electronic Full-Size and Condensed with Keywords)	e Portfolios Ínclude	1,062.30
Above Charges Include Courtesy Rate of .25/Page for Co-Counse Charge of 12.50	el and Electronic	
Exhibits - Scanned, Archived, Electronically Tabbed, Hard Copy Binders and Handling	Tabbing, Two	418.00
Mailing/Courier Service, Handling and Office Support Services		20.00
ΓΗΑΝΚ YOU! ΓΑΧ ID #81-0512162	Total	\$3,408.20



MELODY JEFFRIES PETERS, RDR, CRR jcrcourt@montana.com jeffriescourtreporting.com bigskyvideoconferenceofmontana.com

1015 Mount Avenue, Suite C Missoula, Montana 59801 (406) 721-1143 / Fax (406) 728-0888 1-800-769-1052

Bill To
Mark Goodman, Esq. Squire Sanders
275 Battery Street, Ste. #2600 San Francisco, CA 94111
,

ivoice #
21071

Terms	Due Date
Net 30	4/4/2012

	Rep
	offic
Description	Amount
12-26 & 27 - GOTHAM INSURANCE CO. vs ALLEGIANCE BENEFIT PLAN MANAGEMENT - #9:11-CV-00039-DWM	
Depositions taken on January 12 and January 13, 2012 in Missoula, MT	·
Deposition of ROGER COWAN - Hard Copy at Courtesy Rate of .25 = 334 Pages @.25	83.50
Deposition of DIRK VISSER - Hard Copy at Courtesy Rate of .25 = 183 Pages @.25	45.75
Exhibits & Tabbing (Hard Copy) and Binder	461.50
Handling and Processing Late Order Hard Copy of Deposition Transcripts and Exhibits	75.00
Mailing	50.00
HANK YOU! AX ID #81-0512162 Total	\$715.75

# Lesofski Counct 9 Report 10039-DN/M Document 142 Filed 09/07/12 Page 10 of 18

Video Conferencing
7 West Sixth Avenue, Suite 2A

Helena, MT 59601

(406) 443-2010 E-mail: lcr@mt.net

Tax ID 20-8597953

Invoice

DATE 5/25/2012 **INVOICE** # 5293

#### **BILL TO**

Mark C. Goodman Attorney at Law Squire, Sanders & Dempsey 275 Battery Street, Suite 2600 San Francisco, CA 94111

CASE NAME	REPTR	DATE OF JOB
Gotham v. Allegiance	SJ	5/10/2012
DESCRIPTION	PAGES	AMOUNT
Deposition of Dennis Gambill One Copy Exhibits	210	451.00
Postage	.   74	22.20 6.50
lease reference invoice number with payment.	TOTAL	\$479.70

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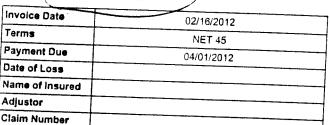
MARK GOODMAN .ESQ.

SQUIRE SANDERS, LLC

275 BATTERY STREET

SAN FRANCISCO, CA 94111

Invoice # EQ117010



Assignment Case Assignment # Shipped Shipped Vla 01/27/2012 GOTHAM INSURANCE CO. vs. ALLEGIANCE BEN 324539 02/15/2012 FED EX Description Services Provided on 01/27/2012, PAUL KUSH (NEW YORK, NY) **Amount** ONE COPY OF TRANSCRIPT PACKAGE **EXHIBITS** \$861.60 ROUGH DRAFT \$ 7.65 1548 \* New Add \* LITIGATION SUPPORT DISK \$ 343.00 \$ 50.00 \$ 1,262.25 SHIPPING/HANDLING GL/CM Amt 107369. 00001 /510 \$ 25.00 GL/CM Code \$ 25.00 HOG Emp. # Off27 Appr. Sian 💇 Sharon McCraeken - 07166 \*\*\*ROUGH DRAFT PROVIDED\*\*\* -ar- 4 18792 Tax: \$ 0.00

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45-3463120

Tax Number:

MARK GOODMAN .ESQ. SQUIRE SANDERS, LLC 275 BATTERY STREET SAN FRANCISCO, CA 94111 VISA DISC : VER

Invoice #:

Paid:

EQ117010

\$ 0.00

\$ 1,287.25

\$ 1,415.98

Payment Due:

04/01/2012

Amount Due On/Before 04/01/2012

Amount Due On/Before 04/01/2012

\$ 1,287.25

Amount Due After 04/01/2012

Amount Due After 04/01/2012

\$ 1,415.98

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Page 12 of 18 Esquire Deposition Solutions, LLC

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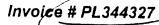
Toll Free (800) 211-DEPO Fax (856) 437-5009

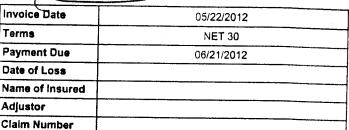
MARK GOODMAN .ESQ.

275 BATTERY STREET

SAN FRANCISCO, CA 94111

**SUITE 2600** 





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Assignment	Case	Assignment#	Shipped	Shipped Via
05/02/2012	GOTHAM INSURANCE COMPANY vs. ALLEGIANC	452750	05/21/2012	F-S-O

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		Price	Amount
MES MARTOCCI (NEW YORK, NY)			
L & ONE COPY OF TRANSCRIPT/WOR	D INDEX (414		
		\$ 5.55	\$ 2,297.70
		\$ 218.90	\$ 218.90
		\$ 90.00	\$ 90.00
		\$ 45.00	\$ 45.00
RGE (29 Pages)		<b>\$ 1.55</b>	\$ 44.95
		\$ 30.00	\$ 30.00
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Invoice #:

PL344327

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Amount Due On/Before 07/06/2012

\$ 2,766.55

Amount Due After 07/06/2012

\$ 3,043.21

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**SUITE 2600** 275 BATTERY STREET SAN FRANCISCO, CA 94111 Sharon:
Ok to advana?

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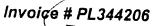
2700 Centennial Tower 101 Marietta Street Atlanta, GA 30303



Filed 09/07/12) Page 15 of 18

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**Assignment** 

MARK GOODMAN ,ESQ.

275 BATTERY STREET

SAN FRANCISCO, CA 94111

FRANCISC

**SUITE 2600** 

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MARK GOODMAN ,ESQ. SQUIRE, SANDERS & DEMPSEY - SAN FRANCISC **SUITE 2600** 275 BATTERY STREET SAN FRANCISCO, CA 94111

Case

Invoice Date	05/18/2012	
Terms	NET 30	
Payment Due	06/17/2012	
Date of Loss		
Name of Insured		
Adjustor		
Claim Number		

04/30/2012	COTHANAIN	Case .	Assignment #	Shipped	Shipped Via
Description	GOTHAMIN	SURANCE COMPANY vs. ALLEGIANC	452301	05/15/2012	FED EX
	2442			Price	Amount
MEDICAL TROU	04/30/2012, JE	FFREY MCKINLEY (SAN FRANCISCO,	CA)		, unount
MEDICAL TECH	NICAL COPY O	F TRANSCRIPT/WORD INDEX (233 Pa	ges)	\$ 3.15	<b>A</b> 700
EXHIBITS					\$ 733.
DIGITAL TRANS	CRIPT/EXHIBIT	S		\$ 36.75	\$ 36.
SUMMARY				\$ 30.00	\$ 30.
COPY HANDLING	FEE		0	\$ 95.00	\$ 95.
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		Sharon McCracken - 0	716 <b>6</b>	Tax:	\$ 0.
		LAF Whire Pidir		Paid:	\$ 0.
		Suns Ly 1878	mount Due On/B	efore 07/02/2012	\$ 972.4
mber: 45-3463120				Due After 07/02/2012	\$ 1,069.7

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Invoice #:

PL344206

Payment Due:

06/17/2012

Amount Due On/Before 07/02/2012

\$ 972.45

Amount Due After 07/02/2012

\$ 1,069.70

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Toll Free (800) 211-DEPO Fax (856) 437-5009

Invoice # EQ116929

Invoice Date 02/14/2012

Terms NET 45

Payment Due 03/30/2012

Date of Loss

Name of Insured

Adjustor

Claim Number

MARK GOODMAN ,ESQ. SQUIRE SANDERS, LLC 275 BATTERY STREET SAN FRANCISCO, CA 94111

Assignment	Case	Assignment #	Shipped	Shipped Via
01/26/2012	GOTHAM INSURANCE CO. vs. ALLEGIANCE B	EN 324538	02/10/2012	FED EX
Description			1	
Services Provided on	01/26/2012, LISA PORCARO (NEW YORK, NY)			Amount
	RANSCRIPT PACKAGE			
EXHIBITS		•		\$ 552
LITIGATION SUP	PORT DISK			\$ 7
SUMMARY			<u>.</u>	\$ 50
ROUGH DRAFT	Jan	$_{ ext{dor }\#}$ $\mathcal{Y}_{0}$	1548	\$ 95
		10		\$ 213
Services Provided on (	01/26/2012, DAVID WASH (NEW YORK, NY)	Total 2748.	30	\$ 918
		CM Amt 2748	30	
EXHIBITS			<i>c</i> 1	\$ 1,164
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ımber: 45-3463120			CONTINUED OF	VIVENI PAGE

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VISA



Invoice #:

EQ116929

Payment Due:

03/30/2012

Amount Due On/Before 03/30/2012

\$ 2,748.30

Amount Due After 03/30/2012

\$3,023.13

MARK GOODMAN, ESQ. SQUIRE SANDERS, LLC 275 BATTERY STREET SAN FRANCISCO, CA 94111

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Esquire Deposition Solutions, LLC P. O. Box 846099 Dallas TX 75284-6099 www.esquiresolutions.com

#### CEASE Still-cv-00039-DWM Document

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MARK GOODMAN ,ESQ. SQUIRE, SANDERS & DEMPSEY - SAN FRANCISC **SUITE 2600** 275 BATTERY STREET SAN FRANCISCO, CA 94111

Investor D. I.		
invoice Date	06/19/2012	
Terms	NET 30	
Payment Due	07/19/2012	<del></del>
Date of Loss		
Name of Insured		
Adjustor		
Claim Number		

Filed 09/07/12 Page 15 of 18 Remit to:

Assignment	Case	Assignment #	Shipped	Shipped Via
05/24/2012	GOTHAM INSURANCE COMPANY vs. ALLEGIANC	454409	06/18/2012	
Description				FED EX
Services Provided on 0	5/24/2012, ADAM RUSSO (BOSTON, MA)		Price	Amount
ORIGINAL TRANS	SCRIPT/WORD INDEX (186 Pages)			
EXHIBITS	· · · · · · · · · · · · · · · · · · ·		\$ 3.30	\$ 613.80
DIGITAL TRANSC	RIPT/EXHIBITS		\$ 178.50	\$ 178.50
CONDENSED TRA		all	\$ 35.00	\$ 35.00
ARCHIVING FEE	· · · · · · · · · · · · · · · · · · ·	77.0	\$ 0.00	\$ 0.00
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Case 9:11-cv-00039-DWM Document 142 Filed 09/07/12) Page 16 of 18

Jeffries Court Reporting, Inc. 1015 Mount Avenue, Suite C Missoula, MT 59801

	Phone #	406 721-1143	
	Fax#	406 728-0888	
E-mail	jcrcourt@r	nontana.com	
Web Site	www.jeffriescourtreporting.com		

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Bill To

Mark Goodman, Esq.
Squire Sanders
275 Battery Street, Ste. #2600
San Francisco, CA 94111

Date	Invoice #
4/30/2012	21223
Terms	Due Date

5/30/2012

		Rep
		TR
Description		Amount
12-219 - GOTHAM INSURANCE COMPANY vs ALEGIANO #9:11-CV-00039-DWM	CE BENEFIT PLAN -	
Deposition taken on Thursday, April 19, 2012 in Missoula, MT		
Deposition of JAMES SMITH  (Original and Two Electronic (Paperless) Copies - Electronic Full-Size and Condensed with Keywords)	Portfolios Include	1,325.10
Extra copy for deponent to read and sign		50.00
Three Sets Exhibits - Two Scanned, Archived and Electronically Sanders and Phillips Firms, One Hard Copy and Tabbing for Squ for Hard Copy Original and Two Binders	Tabbed for Squire nire Sanders, Tabbing	738.00
Mailing/Courier Service, Handling and Office Support Services		35.40
HANK YOU! FAX ID #81-0512162	Total	\$2,148.50
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PLEASE INCLUDE INVOICE NUMBER ON THE CHECK. A FINANCE CHARGE OF 1.5% WILL BE ADDED ON ACCOUNTS 30 DAYS PAST DUE.

Case 9:11-cv-00039-DWM Document 142 Filed 09/07/12) Page 17 of 18

Jeffries Court Reporting, Inc. 1015 Mount Avenue, Suite C Missoula, MT 59801

Ŀ		100 /21 1143
	Fax#	406 728-0888
E-mail	jcrcourt@montana.com	
Web Site	www.jeffriescourtreporting.com	

Bill To

Mark Goodman, Esq.
Squire Sanders
275 Battery Street, Ste. #2600
San Francisco, CA 94111

Date	Invoice #
3/14/2012	21099

Terms	Due Date
Net 30	4/13/2012

		Rep
		TR
Description		Amount
12-117 - GOTHAM INSURANCE COMPANY vs ALEGIANCE BENEFIT #9:11-CV-00039-DWM Deposition taken on Wednesday, February 29, 2012 in Helena, MT	PLAN -	
Deposition of SUSAN WITTE  (Original and Two Electronic (Paperless) Copies - Electronic Portfolios In Full-Size and Condensed with Keywords and One Hard Copy - Condensed w Words)	iclude ith Key	1,294.60
Exhibits - Two Sets (One Scanned, Archived, Electronically Tabbed, One Ha and Tabbing and Tabbing for Hard Copy Original and Binder	rd Copy	345.55
Mileage Round Trip From Missoula To Helena, MT @.555 Appearance Fee - Windshield Time and Time After 5:00		139.85
Mailing/Courier Service, Handling and Office Support Services		30.00
THANK YOU! TAX ID #81-0512162 Total	\$2	2,010.00

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#### Case 9:11-cv-00039-DWM Document 142 Filed 09/07/12 Page 18 of 18



## **Charles Fisher Court Reporting, Inc.**

503 East Mendenhall Bozeman, MT 59715 406-587-9016 maindesk@fishercourtreporting.com



Date	Invoice #
6/20/2012	JL12-28

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Mr. Robert J. Guite Squire Snaders & Dempsey 275 Battery St, Ste 2600 San Francisco, CA 94111

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JUN 28 2012

Squire Sanders (US)

Court: US District - Missoula, MT Cause No. 11-cv-00039-DWM Gotham Insurance vs. Allegiance

Terms	Due Date
Net 30	7/20/2012

ltem	Service Date	Description	Amount
Deposition-1 Copy	6/8/2012	Gary Zadick (expedited)	1,317.25
	·		
		·	

Thank you for your business.	Federal Tax ID: 81-0459321	Payments/Credits	\$0.00
		Balance Due	\$1,317.25